

IN THE FIRST-TIER TRIBUNAL PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Ref: LON/00AA/LDC/2022/0173

B E T W E E N

THE MAYOR AND COMMONALTY AND
CITIZENS OF THE CITY OF LONDON

Applicants

and

22 LONG LEASEHOLD PROPERTIES WHERE THE
CITY OF LONDON CORPORATION IS LANDLORD

Respondents

BUNDLE FOR PAPER
DETERMINATION:
[LON/00AA/LDC/2022/0173]

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FOR PAPER DETERMINATION [LON/00AA/LDC/2022/0173]

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Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985

Section 20ZA of the Landlord and Tenant Act 1985

It is important that you read the notes below carefully before you complete this form.

This is the correct form to use if you want to ask the Tribunal to dispense with all or any of the consultation requirements set out in section 20 of the Landlord and Tenant Act 1985 and in the Service Charges (Consultation Requirements)(England) Regulations 2003.

A fee is payable for this application (see section 13 for Help with Fees).

Applications should be sent as a Microsoft Word document by **email** to the relevant regional tribunal address shown in the Annex to this form. You must also send by email **the documents listed in section 13 of this form**. If you cannot access email or find someone to assist you in lodging your application by email, then a paper application will be acceptable although there may be a delay in dealing with this. Sending an application on paper will not be suitable in urgent cases.

You can now pay the **the fee (if applicable) by an on-line banking payment or by cheque/postal order enclosed with the application form.**

If you want to be sent online banking payment details by email, please tick this box ☒

Please make sure a copy of the application is served on the other party/parties to the application. If you are unable to serve a copy on the other party/parties, please bring this to the tribunal's attention in the covering email or if sending by post in a covering letter.

Please do not send any other documents. When further evidence is needed, you will be asked to send it in separately.

If you have any questions about how to fill in this form, the fee payable, or the procedures the Tribunal will use please contact the appropriate regional office.

If you are completing this form by hand please use BLOCK CAPITAL LETTERS.

1. DETAILS OF APPLICANT(S) (if there are multiple applicants please continue on a separate sheet)

Name:

Capacity:

Address (including postcode):

Address for correspondence (if different from above):

Telephone:

Day: Evening: Mobile:

Email address: Fax:

Representative name and address, and other contact details: Where details of a representative have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for you.

Name:

Reference no. (if any)

Address (including postcode):

Telephone:

Day: Mobile:

Email address: Fax:

2. ADDRESS (including postcode) of SUBJECT PROPERTY (if not already given)

3. DETAILS OF RESPONDENT (S) the person against whom an applicant seeks determination from the tribunal – this will only be the landlord's managing agent if they are a party to the lease. If there are multiple respondents, please continue on a separate sheet.

Name:

Capacity

Address (including postcode):

Reference no. for correspondence (if any)

Address for correspondence (if different from above):

Telephone:

Day: Evening: Mobile:

Email address: Fax:

Note: If this is an application by a landlord, then usually all tenants liable to pay a service charge for the costs in question should be joined as respondents. If tenants are not joined in this way, the landlord should provide the Tribunal with a list of the names and addresses of service charge payers. If this is not possible or is impractical, then a written explanation must be provided with this application.

If you are the landlord/management company making the application please omit, if known, the telephone/fax numbers and email address of the respondent(s) when completing Box 4 and include them on a separate sheet. This is because the application form may be copied by the tribunal to other appropriate persons (e.g. other service charge paying leaseholders in the building or development).

4. BRIEF DESCRIPTION OF BUILDING (e.g.2 bedroom flat in purpose built block of 12 flats)

22 converted residential flats in the West End area of London.

5. DETAILS OF LANDLORD (if not already given)

Name:

Address (including postcode):

Reference no. for correspondence (if any)

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

6. DETAILS OF ANY RECOGNISED TENANTS' ASSOCIATION (if known)

Name of
Secretary

Address (including postcode):

N/A

Telephone:

Day:

Evening:

Mobile:

Email
address:

Fax:

7. DISPENSATION SOUGHT

Applicants may seek a dispensation of all or any of the consultation requirements in respect of either qualifying works or long-term agreements.

Does the application concern qualifying works?

☐ Yes

☒ No

If Yes, have the works started/been carried out?

☐ Yes

☐ No

Does the application concern a qualifying long-term agreement?

☒ Yes

☐ No

If Yes, has the agreement already been entered into?

☐ Yes

☒ No

For each set of qualifying works and/or qualifying long-term agreements please complete one of the sheets of paper entitled '**GROUND'S FOR SEEKING DISPENSATION**'

8. OTHER APPLICATIONS

Do you know of any other cases involving either: (a) related or similar issues about the management of this property; or (b) the same landlord or tenant or property as in this application?

☐ Yes ☒ No

If Yes, please give details

9. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

If the Tribunal thinks it is appropriate, and all the parties and others notified of their right to attend a hearing consent, it is possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ('A paper determination').

Please let us know if you would be content with a paper determination if the Tribunal thinks it appropriate.

☒ Yes ☐ No

Note: Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. Please complete the remainder of this form on the assumption that a hearing will be held. Where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

10. TRACK PREFERENCES

We need to decide whether to deal with the case on the Fast Track or the Standard Track (see Guidance Note for an explanation of what a track is). Please let us know which track you think appropriate for this case.

☒ Fast Track
☐ Standard Track

Is there any special reason for urgency in this case?

☒ Yes ☐ No

If Yes, please explain how urgent it is and why:

The Applicants believe that a paper determination is appropriate.

The Application is urgent as the Applicant is looking to have the relevant QTLA that is the subject of the application in place no later than December 2022.

Note

The Tribunal will normally deal with a case in one of three ways: on paper (see section 10 above) or 'fast track' or 'standard track'. The fast track is designed for cases that need a hearing but are very simple and will not generate a great deal of paperwork or argument. A fast track case will usually be heard within 10 weeks of your application. You should indicate here if you think your case is very simple and can be easily dealt with. The standard track is designed for more complicated cases where there may be numerous issues to be decided or where for example, a lot of documentation is involved. A standard track case may involve the parties being invited to a Case Management Conference which is a meeting at which the steps that need to be taken to bring the case to a final hearing can be discussed.

11. AVAILABILITY

If there are any dates or days we must avoid during the next four months (either for your convenience or the convenience of any expert you may wish to call) please list them here.

Please list the dates on which you will NOT be available:

None presently known

12. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have (e.g. the use of a wheelchair and/or the presence of a translator):

None known

Applications handled by the London regional office are usually heard in Alfred Place, which is fully wheelchair accessible. Elsewhere, hearings are held in local venues which are not all so accessible and the case officers will find it useful to know if you or anyone you want to come to the hearing with you has any special requirements of this kind.

13. CHECKLIST

Please check that you have completed this form fully. The Tribunal will not process your application until this has been done. Please ensure that the following are enclosed with your application and tick the appropriate box to confirm:

A copy of the lease(s).



A statement that service charge payers have been named as respondents or a list of names and addressess of service charge payers



EITHER

A crossed cheque or postal order made out to HM Courts and Tribunal Service for the application fee of £100 (if applicable) is enclosed. **Please write your name and address on the back of the cheque or postal order. Please also send a paper copy of your application with your cheque or postal order, regardless of whether you have already emailed the application.**



OR

You have ticked the box at the top of this form to say you want the relevant regional tribunal office to send you details on how to pay the application fee of £100 by on-line banking. **The unique payment reference the tribunal office supplies MUST be used when making your on-line banking payment.**

DO NOT send cash under any circumstances. Cash payment will not be accepted.

Please note where there is to be a hearing, a fee of £200 will become payable by you when you receive notice of the hearing date.

Help with Fees

If you think you may be entitled to a reduced fee, the guide EX160A 'Apply for help with court, tribunal and probate fees' outlines how you can submit an application for Help with Fees.

You can submit your Help with Fees application online at www.gov.uk/help-with-court-fees or by completing the form EX160 'Apply for help with fees'. You can get a copy of the 'Apply for help with fees' form online at www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees or from your regional tribunal office.

Leasehold 5 Application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 (08.20)

If you have completed an online application for Help with Fees please enter the reference number you have been given here.

| | | | | | | | | | | |
|---|---|---|---|--|--|--|---|--|--|--|
| H | W | F | - | | | | - | | | |
|---|---|---|---|--|--|--|---|--|--|--|

If you have completed form EX160 “Apply for Help with Fees” it must be included with your application.

The 'Apply for help with fees' form will not be copied to other parties

14. STATEMENT OF TRUTH

The statement of truth must be signed and dated.

I believe that the facts stated in this application are true.

Signed: Andrew Cusack Dated: 30 August 2022

GROUNDWORK FOR SEEKING DISPENSATION

Please use the space below to provide information mentioned in section 7 of this form.

You will be given an opportunity later to give further details of your case and to supply the Tribunal with any documents that support it. At this stage you should give a clear outline of your case so that the Tribunal understands what your application is about. Please continue on a separate sheet if necessary.

1. Describe the qualifying works or qualifying long-term agreement concerned, stating when the works were carried out or planned to be carried out or in the case of a long-term agreement, the date that agreement was entered into or the proposed date it is to be entered into.

Please see the attached Grounds

2. Describe the consultation that has been carried out or is proposed to be carried out.

Please see the attached Grounds

3. Explain why you seek dispensation of all or any of the consultation requirements.

Please see the attached Grounds

ANNEX: Addresses of Tribunal Regional Offices

NORTHERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, 1st Floor, Piccadilly Exchange, Piccadilly
Plaza, Manchester M1 4AH

Telephone: 01612 379491

Fax: 01264 785 128

Email address: RPNorthern@justice.gov.uk

This office covers the following Metropolitan districts: Barnsley, Bolton, Bradford, Bury, Calderdale, Doncaster, Gateshead, Kirklees, Knowsley, Leeds, Liverpool, Manchester, Newcastle-upon-Tyne, Oldham, Rochdale, Rotherham, St. Helens, Salford, Sefton, Sheffield, Stockport, Sunderland, Tameside, Trafford, Tyneside (North & South), Wakefield, Wigan and Wirral.

It also covers the following unitary authorities: Hartlepool, Middlesbrough, Redcar and Cleveland, Darlington, Halton, Blackburn with Darwen, Blackpool, Kingston-upon-Hull, East Riding of Yorkshire, Northeast Lincolnshire, North Lincolnshire, Stockton-on-Tees, Warrington and York.

It also covers the following Counties: Cumbria, Durham, East Cheshire, Lancashire, Lincolnshire, Northumberland, North Yorkshire and West Cheshire.

MIDLAND REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Centre City Tower, 5-7 Hill Street,
Birmingham, B5 4UU

Telephone: 0121 600 7888

Fax: 01264 785 122

Email address: RPMidland@justice.gov.uk

This office covers the following Metropolitan districts: Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

It also covers the following unitary authorities: Derby, Leicester, Rutland, Nottingham, Herefordshire, Telford and Wrekin and Stoke-on-Trent.

It also covers the following Counties: Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, Warwickshire and Worcestershire.

EASTERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Cambridge County Court, 197 East Road
Cambridge, CB1 1BA

DX 97650 Cambridge 3

Telephone: 01223 841 524

Fax: 01264 785 129

Email address: RPEastern@justice.gov.uk

This office covers the following unitary authorities: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead, Wokingham, Luton, Peterborough, Milton Keynes, Southend-on-Sea and Thurrock.

It also covers the following Counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk.

SOUTHERN REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, Havant Justice Centre, The Court House,
Elmleigh Road, Havant, Hants, PO9 2AL

Telephone: 01243 779 394

Fax: 0870 7395 900

Email address: RPSouthern@justice.gov.uk

This office covers the following unitary authorities: Bath and Northeast Somerset, Bristol, North Somerset, South Gloucestershire, Bournemouth, Plymouth, Torbay, Poole, Swindon, Medway, Brighton and Hove, Portsmouth, Southampton and the Isle of Wight.

It also covers the following Counties: Cornwall and the Isles of Scilly, Devon, Dorset, East Sussex, Gloucestershire, Hampshire, Kent, Somerset, Surrey, West Sussex and Wiltshire.

LONDON REGION

HM Courts & Tribunals Service
First-tier Tribunal (Property Chamber) Residential
Property, 10 Alfred Place, London WC1E 7LR

DX 134205 Tottenham Court Road 2

This office covers all the London boroughs.

Telephone: 020 7446 7700

Fax: 01264 785 060

Email address: London.RAP@justice.gov.uk

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024/ Textphone 18001 0300 123 1024.

IN THE FIRST-TIER TRIBUNAL PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

B E T W E E N

THE MAYOR AND COMMONALTY AND
CITIZENS OF THE CITY OF LONDON

Applicants

and

22 LONG LEASEHOLD PROPERTIES WHERE THE
CITY OF LONDON CORPORATION IS LANDLORD

Respondents

THE GROUNDS OF THE APPLICATION SEEKING DISPENSATION

The supply of facilities management services to City residential long leaseholders under a Qualifying Long Term Agreement

1. The Applicants ("The City of London Corporation" aka "the City") currently provide facilities management services to buildings in the West End within its Investment Property Portfolio.
2. Twenty-two residential long leasehold properties are affected where the financial contribution from long leaseholders exceeds the prescribed sum of £100 for consultation purposes.
3. A variety of separate contracts for the supply of facilities management services terminate on 31 March 2023. The City is therefore applying for dispensation from the relevant consultation requirements in relation to a proposed facilities management contract from 01 April 2023 to 31 March 2033.

Proposed new contractual arrangements for the supply of facilities management services

4. The City's intended contractual arrangements for the supply facilities management services after the end of the current contracts in March 2023 are summarised below.
5. The City will shortly enter into an Integrated Facilities Management (IFM) Framework Agreement ('the Framework') for the supply of facilities management services. The Contract Notice was published on 13 April 2022. A copy of the notice is **attached** to this application. The Award Notice will be published in September 2022.
6. The City of London Corporation is about to put in place the Framework for provision of Integrated Facilities Management (IFM) services, for use by UK public sector bodies.
7. The Framework is the consolidation of Facility Management (FM) services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.
8. The Framework will be divided into six Lots reflecting property groups:
 - Lot 1 - Corporate Property
 - Lot 2 - Commercial Property
 - Lot 3 - Performing Arts Venues
 - Lot 4 - Heritage property / Mixed Use (including Office Space, Events, & Archives)
 - Lot 5 - Schools
 - Lot 6 - Police and Courts
9. This application is concerned with Lot 2 – Commercial Property.
10. The Framework itself did not require the production of a Schedules of Rates. No costs will be incurred by the Corporation under the Framework Agreement.

11. Once the City has entered into the Framework Agreement, the City will then enter into a separate Call-Off Agreement ('the Call-Off Agreement') for the supply of facilities management services under the Lot 2, with estimated annual costs as follows:

| Purchasing Type | Contract Description | Estimated Cost £pa Annualised Exc VAT | Start Date | End Date |
|------------------------|---|--|-------------------|-----------------|
| Schedule of Rates | Integrated Facilities Management Services - Commercial Property | £4,800,000 | 01/04/23 | 31/03/33 |

12. The Call-Off Agreement will arise out of a mini-competition involving a Schedules of Rates. The costs of the facilities management services will be incurred by the Corporation under the terms of the Call-Off Agreement.
13. The proposed Call-Off Agreement will be an agreement:
- (i) entered into by the City as Landlord; and
 - (ii) for a term of more than twelve months; and
 - (iii) under which relevant costs in any accounting period will exceed an amount which results in the relevant contribution of tenants, in respect of that period, being more than £100.
14. Therefore, the proposed Call-Off Agreement is properly characterised as a Qualifying Long Term Agreement to which section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations') apply.

Dispensation requirements

15. The City is unable to comply with the consultation requirements as set out in the Regulations.

16. A degree of consultation has taken place. While it has been the intention of the City to apply for a dispensation order to dispense with the consultation requirements contained in Section 20 of the Landlord and Tenant Act 1985, it has nevertheless carried out the "Notice of Intention" stage of the consultation process.
17. This was done to canvass the views of residents and to answer their questions and concerns. A Notice of Intention was sent to leaseholders in the West End on 28 April 2022. An example copy of these Notices is **attached** to this application.
18. No observations were received from leaseholders in response to those notices.
19. In relation to the Notice of Intention, it is not apparent whether Schedule 1 or Schedule 2 of the Regulations is applicable to the Call-Off Agreement as the proposed Qualifying Long Term Agreement. The City assumes that the relevant Schedule is Schedule 2, however the City's Notice of Intention has not advised leaseholders that public notice will be given in relation to the Call-Off Agreement nor has it invited leaseholders to nominate a supplier.
20. No public notice will be required during the mini-competition leading to the Call-Off Agreement. Therefore, the Call-Off Agreement will not be an agreement for which public notice is required, thereby precluding the use of the consultation procedures under Schedule 2 of the Regulations.
21. As procurement under the mini-competition will be limited to suppliers who are party to the existing Framework Agreement (and will not be open to, for example, to suppliers nominated by leaseholders) it was not possible for the City to comply with the requirement of Schedule 1 to invite leaseholders to propose the name of a supplier from whom the City should try to obtain an estimate.
22. In relation to an eventual Notice of Proposal (the usual second stage of leaseholder consultation), Schedule 2 of the Regulations requires the preparation and notification of a proposal that is open for leaseholder observations for 30 days from the date of the relevant notice.

23. The City will provide a Notice of Proposal under Schedule 2 in the usual way, subject to a dispensation in relation to the consultation requirements.
24. The Tribunal has power to dispense with the consultation requirements in a particular case "if satisfied that it is reasonable" to do so (section 20ZA(1), Landlord and Tenant Act 1985). Pursuant to the decision in Daejan Investments Limited v Benson [2013] UKSC 14, the right to be consulted is not a free-standing right and the approach to be adopted on a dispensation application is to ask: if dispensation was granted, would the tenants suffer any relevant prejudice?
25. The consultation requirements in the Regulations are a means of achieving the purpose of ensuring that tenants are not required to pay:
 - (i) for unnecessary services or services provided to a defective standard; and
 - (ii) more than they should for necessary services provided to an acceptable standard.

Conclusion

26. The City is seeking to procure facilities managements services under the Framework for the reasons set out above. The Framework Agreement, and subsequent Call-Off Agreement, will result in lower relevant costs for long leaseholders. However, the use of the Framework Agreement, and subsequent Call-Off Agreement, precludes strict compliance with the requirements of the consultation Regulations.
27. It is considered therefore that it is reasonable to dispense with the consultation requirements in Section 20 of the Landlord and Tenant Act 1985 in relation to the Call-Off Agreement to be entered into by the City through the Framework Agreement for the supply of facilities management services.
28. If dispensation is granted, it is submitted that the dispensation will serve long leaseholders' interests by ensuring the City is able to obtain the lowest prices for facilities management services. Leaseholders will not be paying for inappropriate services or paying more than would be appropriate and would therefore not suffer any relevant prejudice.

Statement of Truth

I believe that the facts stated in these Grounds are true.



.....

Andrew Cusack

Principal Lawyer for the Applicants

30 August 2022

Attachments to Grounds:

1. Contract Notice (Framework Agreement)
2. Notice of Intention (West End)

This is a published notice on the Find a Tender service: <https://www.find-tender.service.gov.uk/Notice/009826-2022>

Opportunity

Integrated Facilities Management (IFM) Framework

The Mayor and Commonalty and Citizens of the City of London ("the City of London") and the City of London Police

F02: Contract notice

Notice reference: 2022/S 000-009826

Published: 13 April 2022, 8:02am

Section I: Contracting authority

I.1) Name and addresses

The Mayor and Commonalty and Citizens of the City of London ("the City of London") and the City of London Police

Guildhall

London

EC2P 2EJ

Email

Oliver.Watling@cityoflondon.gov.uk

Telephone

+44 2073321865

Country

United Kingdom

NUTS code

UK - United Kingdom

Internet address(es)

Main address

www.cityoflondon.gov.uk

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

<https://www.capitalesourcing.com>

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

<https://www.capitalesourcing.com>

Tenders or requests to participate must be submitted to the above-mentioned address

I.4) Type of the contracting authority

Regional or local authority

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Integrated Facilities Management (IFM) Framework

II.1.2) Main CPV code

- 79000000 - Business services: law, marketing, consulting, recruitment, printing and security

II.1.3) Type of contract

Services

II.1.4) Short description

The City of London Corporation (contracting as the Mayor and Commonalty and Citizens of the City of London) and the City of London Police, acting as the Authority is putting in place a Framework Agreement for provision of Integrated Facilities Management (IFM) services, for use by UK public sector bodies.

IFM is the consolidation of Facility Management (FM) services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

The Framework will be divided into six Lots reflecting property groups:

- Lot 1 - Corporate Property
- Lot 2 - Commercial Property
- Lot 3 - Performing Arts Venues
- Lot 4 - Heritage property / Mixed Use (including Office Space, Events, & Archives)
- Lot 5 - Schools
- Lot 6 - Police and Courts

By dividing property groups into six Lots which reflect the customer and clients'

requirements, tailored service delivery models can be delivered in an integrated manner to provide FM services with differing objectives and drivers based on clients' needs and contract specifications which are adapted to meet these differing and unique requirements.

Suppliers can submit proposals to be shortlisted for Lots without restriction (i.e. suppliers can propose to be shortlisted for all six Lots). However to be shortlisted suppliers will need to demonstrate their skill and experience in delivering services relevant to the customer requirements for each Lot.

It will be open to all public sector bodies to use the Framework to undertake further competitions and award contracts.

II.1.5) Estimated total value

Value excluding VAT: £750,000,000

II.1.6) Information about lots

This contract is divided into lots: Yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 6

II.2) Description

II.2.1) Title

Lot 1 - Corporate Property

Lot No

1 - Corporate Property

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 31141000 - Water coolers
- 39298910 - Christmas tree
- 45000000 - Construction work
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services

- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment
- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services
- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services
- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services
- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire & Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to a corporate property or group of properties.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £350,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 2- Commercial Property

Lot No

Lot 2- Commercial Property

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 31141000 - Water coolers
- 39298910 - Christmas tree
- 45000000 - Construction work
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services
- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment
- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services

- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services
- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services
- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire & Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to a commercial property or group of properties.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £150,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 3 - Music and Arts Venues

Lot No

Lot 3 - Music and Arts Venues

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 31141000 - Water coolers
- 39298910 - Christmas tree
- 45000000 - Construction work
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services
- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment
- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services
- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services
- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services

- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire & Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to Music and Arts Venues, or group of properties, including Music and Art Schools.

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £50,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 4 - Historic Buildings and Archives

Lot No

4 - Heritage Buildings and Archives

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 31141000 - Water coolers
- 39298910 - Christmas tree

- 45000000 - Construction work
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services
- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment
- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services
- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services
- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services
- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire & Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to Heritage Properties and Archive Stores, or group of properties

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £100,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 5 - Schools

Lot No

Lot 5 - Schools

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 15894210 - School meals
- 31141000 - Water coolers
- 39160000 - School furniture
- 39298910 - Christmas tree
- 43324100 - Equipment for swimming pools
- 45000000 - Construction work
- 45214200 - Construction work for school buildings
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services
- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment

- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services
- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 55523100 - School-meal services
- 55524000 - School catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services
- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services
- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90919000 - Office, school and office equipment cleaning services
- 90919300 - School cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire & Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to Schools, or group of Schools

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £50,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

II.2) Description

II.2.1) Title

Lot 6- Police and Courts

Lot No

6 - Police and Courts

II.2.2) Additional CPV code(s)

- 03121200 - Cut flowers
- 31141000 - Water coolers
- 39298910 - Christmas tree
- 45000000 - Construction work
- 45452000 - Exterior cleaning work for buildings
- 50000000 - Repair and maintenance services
- 50324200 - Preventive maintenance services
- 50334400 - Communications system maintenance services
- 50340000 - Repair and maintenance services of audio-visual and optical equipment
- 50531200 - Gas appliance maintenance services
- 50532000 - Repair and maintenance services of electrical machinery, apparatus and associated equipment
- 50610000 - Repair and maintenance services of security equipment
- 50700000 - Repair and maintenance services of building installations
- 50750000 - Lift-maintenance services
- 50800000 - Miscellaneous repair and maintenance services
- 50850000 - Repair and maintenance services of furniture
- 50883000 - Repair and maintenance services of catering equipment
- 55300000 - Restaurant and food-serving services
- 55500000 - Canteen and catering services
- 55520000 - Catering services
- 64100000 - Post and courier services
- 71314000 - Energy and related services

- 71315000 - Building services
- 71317210 - Health and safety consultancy services
- 72253000 - Helpdesk and support services
- 72514300 - Facilities management services for computer systems maintenance
- 75241100 - Police services
- 77211500 - Tree-maintenance services
- 77310000 - Planting and maintenance services of green areas
- 77314000 - Grounds maintenance services
- 79710000 - Security services
- 79952000 - Event services
- 79992000 - Reception services
- 79993000 - Building and facilities management services
- 79993100 - Facilities management services
- 90500000 - Refuse and waste related services
- 90700000 - Environmental services
- 90710000 - Environmental management
- 90900000 - Cleaning and sanitation services
- 90910000 - Cleaning services
- 90911000 - Accommodation, building and window cleaning services
- 90922000 - Pest-control services
- 98310000 - Washing and dry-cleaning services
- 98341120 - Portering services
- 98341130 - Janitorial services

II.2.3) Place of performance

NUTS codes

- UK - United Kingdom

II.2.4) Description of the procurement

Facilities Management Services

Integrated Facilities Management is the consolidation of Facility Management services under a single supplier including hard and soft FM services bringing efficiencies in contract management, supply chain, project management and collaborative planning.

Tenderers are required to provide and deliver an integrated multidisciplinary range of facilities management services for customers.

Tenderers will need to be able to provide the services within London and one or more of the following geographical regions: East Midlands; East of England; North East England; North West England; South East England; South West England; West Midlands; Yorkshire &

Humber; Scotland; Wales; and Northern Ireland.

This specific Lot is for provision of integrated facilities management services to properties managed by the Police and Judiciary (Courts)

II.2.5) Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) Estimated value

Value excluding VAT: £50,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

48

This contract is subject to renewal

No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions

Facilities Services

Tenderers must be able to provide the facilities services listed within the specification, either directly or through subcontracting arrangements.

Tenderers should have suitable relevant experience of delivering facilities management services to end customers / users groups relevant to the property group (Lot 1 to 6) they are bidding for.

III.1.2) Economic and financial standing

Selection criteria as stated in the procurement documents

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

The City of London will operate on-going contract monitoring procedures following award, to ensure financial stability requirements are maintained.

Credit rating checks will be carried out on a regular basis using either the City's own published criteria, and/or Dun and Bradstreet reporting.

It will be at the sole discretion of the City of London to suspend or permanently remove the Service Provider from the Framework Agreement based on ongoing financial stability checks.

The City of London shall monitor the Service Provider's performance against the template framework key performance indicators, and the social value proposed by Service Providers, on behalf of the City of London and Awarding Bodies.

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

IV.1.3) Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 36

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

18 May 2022

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Duration in months: 48 (from the date stated for receipt of tender)

IV.2.7) Conditions for opening of tenders

Date

18 May 2022

Local time

12:00pm

Place

Electronically, via web-based portal.

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.2) Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information

The procurement involves the establishment of a framework agreement

Envisaged maximum number of participants to the framework agreement: 36 (six per Lot)

VI.4) Procedures for review

VI.4.1) Review body

High Court of England and Wales

WC1A 2LL

London

Country

United Kingdom

VI.4.2) Body responsible for mediation procedures

Cabinet Office

70 Whitehall

Whitehall

SW1A 2AS

Country

United Kingdom

The City Surveyor
Paul Wilkinson



To the Long Leaseholder

Telephone

Email rachel.scott@cityoflondon.gov.uk

Date 28 April 2022

Dear Leaseholder

Re: Flat 1, 38 Alfred Place

Notice of intention to enter into long term agreement for facilities management services and notice of the City's intention to apply to the First-tier Tribunal (Property Chamber) to dispense with relevant consultation provisions

Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act') and the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations')

The City of London Corporation ('the City'), as your landlord, proposes to enter into a qualifying long-term agreement as defined in the Act. This could result in you having to pay a service charge in accordance with terms of your lease.

The City is intending to go out to tender for the supply of facilities management services to its Investment Property Portfolio, which includes residential flats.

The current agreements for facilities management are due to expire on 30th March 2023.

An agreement entered into by or on behalf of the City for a term of more than twelve months which results in costs to any leaseholder of more than £100 per year is subject to the consultation provisions of Section 20 of the Act.

It is the City's intention to enter into a new agreement: provision of facilities management services. The proposed agreement will last for more than twelve months, and it is expected that the charge for some flats will be more than £100 per year under the proposed agreement.

Obtaining the best prices for residents

We are proposing to invite suppliers to bid to be shortlisted on a four-year Framework Agreement for the provision of facilities management services, with the Framework Agreement to commence 1 July 2022.

The Framework Agreement will be divided into six Lots reflecting property groups: the Lot relevant to this Notice is Lot 2 - Commercial Property.

Following award of the Framework Agreement, a further mini-competition exercise will then be conducted, amongst the shortlisted Lot 2 Framework contractors, for provision of integrated facilities management services to the City's Commercial Properties (including residential flats), pursuant to the terms of the Framework Agreement. This will include evaluation of submissions on the basis of quality and price (most economically advantageous).

On completion of the mini-competition, the City intends to enter a Call-Off Agreement with the successful (best value) contractor for the provision of facilities management services to the City's Commercial Property Group property portfolio, including the property referred to above.

Our proposals

By dividing property groups into six Lots which reflect the customer and clients' requirements, tailored service delivery models can be delivered in an integrated manner to provide FM services with differing objectives and drivers based on clients' needs and contract specifications which are adapted to meet these differing and unique requirements.

Suppliers will be able to submit proposals to be shortlisted for Lots without restriction (i.e. suppliers can propose to be shortlisted for all six Lots). However, to be shortlisted to Lot 2 suppliers will need to demonstrate their skill and experience in delivering services relevant to properties in a commercial setting.

The Call-Off Agreement will arise out of a mini-competition among the shortlisted suppliers. Pricing will be requested and evaluated during mini competition on the basis of fixed prices and schedules of rates for forecasted demand, as applicable.

The proposed Call-Off Agreement will be an agreement:

- (i) entered into by the City as Landlord; and
- (ii) for a term of more than twelve months; and
- (ii) under which relevant costs in any accounting period will exceed an amount which results in the relevant contribution of tenants, in respect of that period, being more than £100.

The proposed Call-Off Agreement is properly characterised as a Qualifying Long Term Agreement to which section the Act and the Regulations apply.

The City considers it necessary to enter in this proposed Call-Off Agreement to provide facilities management services to its residential housing stock within the Investment Property Group property portfolio.

Leaseholder consultation

Unfortunately, the City's proposed procurement strategy means that the City will not be able to full comply with the statutory requirements to consult long leaseholders before entering into the Call-Off Agreement.

This is because the proposed procurement strategy does not accord with Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003.

Normally, a Notice under Schedule 2 of the Regulations would advise leaseholders that they are not being invited to nominate a contractor, because “public notice” of the relevant matters (the proposed services”) is to be given.

Under the proposed procurement strategy (a Framework Agreement followed by a Call-Off Contract) the City has already given public Notice in relation to the *Framework Agreement only*.

However, no public notice of the Call-Off Contract will be given.

And it is the Call-Off Contract under which costs for facilities management will be incurred, and under which the City must therefore consult.

To remedy the defects in the consultation procedure, the City will be applying later this year to the First-tier Tribunal (Property) Chamber, asking the Tribunal to dispense with the relevant leaseholder consultation requirements.

Ahead of that application, you are invited to make written observations regarding the proposed procurement strategy generally and the proposed Call-Off Agreement specifically.

If you wish to do this, however, you must submit your observations to this office in writing to be received within 35 days beginning with the date of this letter.

Any observations received because of this first stage consultation will be fully considered and included with the Tribunal application.

The final date for the receipt of any observations is 3rd June 2022. Please send your written observations to:

Christina Paraskevaidou
Category Officer
City of London
Po Box 270
Guildhall
London
EC2V 7HH

If you would like to receive this Notice in an alternative format such as large print, Braille or audio tape, please contact the address above for further assistance.

Yours faithfully



Rachel Scott
Senior Surveyor
City Surveyor's



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

| | | |
|----------------------------|----------|--|
| Case reference | : | LON/00AA/LDC/2022/0173 |
| Properties | : | 22 long leasehold properties where the City of London Corporation is the landlord |
| Applicant | : | The Mayor and Commonality and Citizens of the City of London |
| Representative | : | Mr Andrew Cusack (ref: CHB005/079/LIT/AC) (email: andrew.cusack@cityoflondon.gov.uk) |
| Respondents | : | The 22 long residential leaseholders whose financial contribution to the proposed contracts for facilities management services exceeds the prescribed sum of £100 |
| Type of application | : | To dispense with the requirement to consult leaseholders about a long-term agreement for the supply of facilities management services |
| Judge | : | Donegan |
| Date of directions | : | 27 October 2022 |

**DIRECTIONS ON AN APPLICATION UNDER SECTION 20ZA OF
THE LANDLORD AND TENANT ACT 1985**

The parties may agree between themselves any reasonable change to the dates in these Directions EXCEPT for the date of sending the bundles and the hearing date/s.

Covid-19 Arrangements

- For the tribunal's current procedures, please see the Guidance for Users at: <https://www.judiciary.uk/wp-content/uploads/2021/02/Guidance-for-Users-February-2021-final.pdf>
- Unless directed otherwise, all communications to the tribunal, including the filing of documents and bundles, should be by **email ONLY**, attaching a letter in Word format. Emails must be sent to London.RAP@justice.gov.uk. The attachment size limit is 36MB. If your attachments are larger than 36MB they must be split over several emails.
- **If a party does not have email, access to the Internet and/or cannot prepare digital documents, they should contact the case officer about alternative arrangements.**

Background to the Application

- (A) The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') from all/some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹.
- (B) The Applicant proposes to enter new contracts for the supply of facilities management services to buildings in the West End within its Investment Property Portfolio. The current contracts terminate on 31 March 2023.
- (C) There are 22 residential, long leasehold properties where the leaseholders' contributions will exceed the consultation threshold of £100.
- (D) The Applicant will shortly enter an Integrated Facilities Management Framework Agreement ('the Framework Agreement') for the supply of facilities management services and has published the relevant Contract Notice. The Framework will be divided into six Lots, reflecting different property groups. This application concerns Lot 2 – Commercial Property.
- (E) Once the Applicant enters the Framework Agreement, it will then enter a separate Call-Off Agreement for the supply of facilities management services for Lot 2. This will run from 01 April 2023 to 31 March 2033 and the estimated cost is £4,800,000 per annum (excluding VAT).
- (F) The proposed Call-Off Agreement will be a Qualifying Long Term Agreement ('QLTA') to which section 20 of the 1985 Act and the Service

¹ See the Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)

Charges (Consultation Requirements) (England) Regulations ('the 2003 Regulations') apply. There has been partial consultation in that a Notice of Intention was sent to leaseholders in the West End on 28 April 2022. No observations have been received from those leaseholders. The Applicant contends that it will not be possible comply with Schedule 1 of the 2003 Regulations as procurement will be limited to suppliers who are parties to the existing Framework Agreement.

- (G) The Applicant contends that the Framework Agreement and subsequent Call-Off Agreement will enable them to obtain the lowest prices for facilities management services and will result in lower relevant costs for long leaseholders. They seek dispensation from strict compliance with the consultation requirements in the 2003 Regulations.
- (H) The only issue for the tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
- (I) The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the 2013 Rules') give guidance on how the application will be dealt with.

DIRECTIONS

1. The Applicant landlord must by **11 November 2022**:
 - Write to each of the leaseholders and to any residential sub-lessee and to any recognised residents' association concerned by email, hand delivery or first-class post, setting out the following:
 - (a) Informing them of the application;
 - (b) Advising them that a copy of the application (with personal details deleted), statement of case, supporting documents and a copy of these directions will be available on the applicant's website, advising them of the URL address, and notifying them that any response to the application should be made by **02 December 2022**;
 - (c) Informing the leaseholders that if they wish to receive a printed copy of the application and these directions they should write to the applicants, who will then send printed copies (again, with any personal details deleted);
 - (d) Advise the leaseholders that as the application progresses additional documents will be added to the website, including the final decision of the tribunal, stating clearly that the final decision is likely to be uploaded on or after **10 January 2023**.

- Confirm to the tribunal by email that this has been done, stating the date(s) on which this was done and supplying the addresses of the 22 affected properties and the full names of the relevant leaseholders.
2. Those leaseholders who oppose the application must by **02 December 2022**:
 - Complete the attached reply form and send it by email to the tribunal; and
 - Send to the Applicant landlord, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
 3. The Applicant landlord must by **16 December 2022**:
 - Prepare a digital, indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application, containing all of the documents on which the Applicant landlord relies, including the application form, these and any subsequent directions, copies of any replies from the leaseholders and any relevant correspondence with the tribunal;
 - Upload a copy of the bundle to their website;
 - Write to each of the leaseholders who have sent a reply form to oppose the application, by email and/or post, providing them with a link to the uploaded bundle or, if they request one, a paper copy of the bundle;
 - Also send an email to the tribunal at London.Rap@justice.gov.uk with a similar link to the uploaded bundle, that can be downloaded by the tribunal. The subject line of the email must read: "BUNDLE FOR PAPER DETERMINATION: [case reference number]".

Determination

4. The tribunal will decide the application during the seven days commencing **03 January 2023** based on the documents.
5. However, any party may request a hearing. Any such **request should be made by 09 December 2022** giving an indication of any dates to avoid. The hearing will have a time estimate of two hours, but either party should notify the tribunal if that time estimate is insufficient.
6. If a hearing is requested:
 - It shall take place on **a date to be confirmed as a face-to-face hearing, at 10 Alfred Place, London WC1E 7LR**, making use of the electronic documents received. The parties may if they wish (but are not obliged to) provide the tribunal and the other parties with a

concise written summary of their case (referred to as a “skeleton argument”) **three days** before the date of the listed hearing.

- A party who is intending to rely upon oral witness evidence at a hearing must provide the witness with a copy of the hearing bundle for use at the hearing.
 - Parties may wish to print out a copy of the digital hearing bundle(s) for use at the hearing. The tribunal will be using the digital hearing bundles provided, unless it directs otherwise.
 - Any party may request, from another party, a physical paper copy of a hearing bundle relied upon by that party (this must be provided, free of charge, within seven days of the request).
7. As the tribunal is working electronically during the current pandemic, the tribunal deciding this application will not have access to a physical file, nor electronic access to documents sent to the tribunal. It is therefore essential that the parties include any relevant correspondence to the tribunal within the digital bundle.
8. The tribunal will send a copy of its eventual decision to the representative of every represented leaseholder and to any unrepresented leaseholders, who have completed and returned the reply form attached to these directions.
9. Furthermore, the Applicant must either send a copy of the tribunal’s decision and appeal rights to all leaseholders, or upload a copy of the tribunal’s decision and appeal rights on their website, if they have one, or on a web-based document storage site **within 7 days of receipt** and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on their home page, or (if longer) until the new contract is entered into.

Attached: Reply Form for Leaseholders

NOTES

- a. **Whenever you send a letter or email to the tribunal you must also send a copy to the other parties (or, in the case of the applicant, post a copy on their website) and note this on the letter or email.**
- b. **Documents prepared for the tribunal should be easy to read. If possible, they should be typed and use a font-size of not less than 12.**
- c. **If the applicant fails to comply with these directions the tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the 2013 Rules.**
- d. **If the respondents fail to comply with these directions the tribunal may bar them from taking any further part in all or part**

of these proceedings and may determine all issues against them pursuant to rules 9(7) and (8) of the 2013 Rules.

Reply Form for Leaseholders

| | |
|------------------------|--|
| Case Reference: | LON/00AA/LDC/2022/0173 |
| Property: | 22 long leasehold properties where the City of London Corporation is the landlord |

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to:
London.RAP@justice.gov.uk

And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitor's Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref: chb005/079/LIT/AC) or by email to: andrew.cusack@cityoflondon.gov.uk

| | Yes | No |
|---|--------------------------|--------------------------|
| Have you sent a statement in response to the landlord? | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you wish to request an oral hearing? | <input type="checkbox"/> | <input type="checkbox"/> |
| Name address of any spokesperson or representative appointed for the leaseholder: | | |

Please also complete the details below:

| | |
|--|--|
| Date: | |
| Signature: | |
| Print Name: | |
| Address of affected property: | |
| Your correspondence address (if different): | |
| Telephone: | |
| Email: | |

The City Surveyor
Paul Wilkinson

To the Long Leaseholder

Telephone 07549 016395
Email rachel.scott@cityoflondon.gov.uk
Date 3rd November 2022

Dear Leaseholder

Re: Flat 1, 38 Alfred Place

**NOTICE OF APPLICATION TO THE FIRST-TIER TRIBUNAL BY THE
CORPORATION SEEKING DISPENSATION FROM CONSULTATION
REQUIREMENTS IN RELATION TO A FACILITIES MANAGEMENT CONTRACT**

Case reference: LON/00AA/LDC/2022/0173

Properties: 22 residential leasehold properties where the City of London Corporation is the landlord

Applicant: The Mayor and Commonalty and Citizens of the City of London

Respondents: The 22 long residential leaseholders whose financial contribution to the proposed contract for facilities management services exceeds the prescribed sum of £100

Please be advised that the City of London Corporation as your landlord has applied to the First-tier Tribunal to dispense with the requirement to consult leaseholders about a long-term agreement for the supply of facilities management services.

A copy of the Corporation's application to the First-tier Tribunal, statement of case, supporting documents and a copy of the Tribunal's Directions is available on the Corporation's website, at short URL address: cityoflondon.gov.uk/facilitiesmanagement

Any response to the application should be made by **02 December 2022**.

If you wish to receive a printed copy of the application and the Tribunal directions then you should write to the Corporation, who will then send printed copies.

As the application progresses additional documents will be added to the website, including the final decision of the Tribunal. The final decision of the Tribunal is likely to be uploaded to the website on or after **10 January 2023**.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'R Scott', written in dark ink.

Rachel Scott
Senior Surveyor
City Surveyor's

[REDACTED]

Your Ref. LON/00AA/LDC/2022/0173

4th November 2022

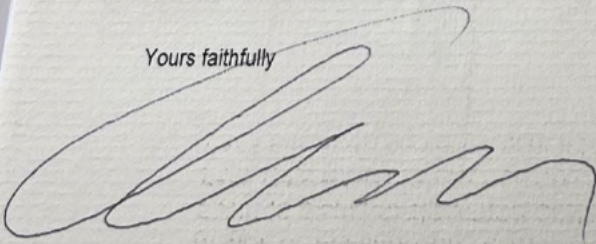
City of London Corporation
Guildhall
Aldermanbury
LONDON
EC2V 7HH

Dear Sirs

**RE: FLAT 9, 38 ALFRED PLACE
NOTICE OF APPLICATION TO THE FIRST-TIER TRIBUNAL BY THE CORPORATION
SEEKING DISPENSATION FROM CONSULTATION REQUIREMENTS IN RELATION TO A
FACILITIES MANAGEMENT CONTRACT
CASE REFERENCE: LON/0011/LDC/2022/0173**

Further to receiving the above Notice of Application to the First-Tier Tribunal (copy attached for your reference), I would be pleased if you would forward a printed copy of the Application and the Tribunal Directions to me at the above address.

Yours faithfully



A. N. CARTER, FRICS

The City Surveyor
Paul Wilkinson

To the «To»

Telephone 07549 016395
Email rachel.scott@cityoflondon.gov.uk
Date 10th November 2022

Dear «Dear»

Re: «Title»

Notice of proposal to enter into long term agreement for facilities management services

Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act') and the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations')

The City of London Corporation ('the City'), as your landlord, is proposing to enter into a qualifying long term agreement as defined in the Act. Following to the Notice on Intention to enter into a qualifying long term agreement dated 28 April 2022 the City is now required to provide you with the following information with regard to the proposed agreement.

1. Notice of proposal. The City has prepared a proposal in respect of a proposed agreement for facilities management services to its Investment Property Portfolio, which includes residential flats.

A copy the proposal is enclosed with this Notice. Please note that the proposal contains an estimate of the proposed expenditure for your Building.

2. Observations. You are entitled to make written observations regarding the proposal. If you wish to do this, however, you must submit them to this office in writing to be received within 35 days beginning with the date of this letter. The City is bound to have regard to any observations then made.

3. Address and due date for observations. The final date for the receipt of any observations is 14th December 2022. Please send your written observations to:

Christina Paraskevaïdou
Category Officer
City of London
Po Box 270
Guildhall
London
EC2V 7HH

4. Application to the First-tier Tribunal. Please note that the City has applied to the First-tier Tribunal (Property) Chamber, asking the Tribunal to dispense with the relevant leaseholder consultation requirements in relation to the proposed facilities management agreement.

A copy of the City's application to the Tribunal, statement of case, supporting documents and a copy of the Tribunal's Directions is available now on the City's website, at short URL address:

cityoflondon.gov.uk/facilitiesmanagement

A digital bundle of all relevant documents for use in the determination of the application, containing all of the documents on which the City relies, including copies of any replies from affected leaseholders, will be available at the same URL address from 16 December 2022.

If you would like to receive this Notice in an alternative format such as large print, Braille or audio tape, please contact the address above for further assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Scott', is positioned above the printed name.

Rachel Scott
Senior Surveyor
City Surveyor's

**PROPOSAL TO ENTER INTO A
A QUALIFYING LONG TERM AGREEMENT**

**Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act')
and Schedule 2 of the Service Charges (Consultation Requirements) (England)
Regulations 2003 ('the Regulations')**

1. This proposal proposes that services are provided by a person wholly unconnected with the City of London Corporation as landlord.
2. Statement of the relevant matters: Facilities management services to the City's Investment Property Portfolio, which includes residential flats.
3. Statement as regards each party to the proposed agreement other than the landlord:
 - Party's name and address: CBRE Managed Services Limited of 61 Southwark Street, London, United Kingdom, SE1 0HL
 - Any connection (apart from the proposed agreement) between the party and the landlord: There is no connection between CBRE Managed Services Limited and the City of London Corporation as landlord.
4. Estimate of expenditure for 13 South Molton Street over 5 years: As regards the Building to which the proposed agreement relates, the total amount of the City of London Corporation's expenditure under the proposed agreement is estimated to be: £61,219.90
5. Statement as to the intended duration of the proposed agreement: The intended duration of the proposed agreement is 5 years, with a 5-year option to extend.
6. Statement summarising observations received in relation to the proposed agreement and the landlord's response to those observations: None received.

**PROPOSAL TO ENTER INTO A
A QUALIFYING LONG TERM AGREEMENT**

**Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act')
and Schedule 2 of the Service Charges (Consultation Requirements) (England)
Regulations 2003 ('the Regulations')**

1. This proposal proposes that services are provided by a person wholly unconnected with the City of London Corporation as landlord.
2. Statement of the relevant matters: Facilities management services to the City's Investment Property Portfolio, which includes residential flats.
3. Statement as regards each party to the proposed agreement other than the landlord:
 - Party's name and address: CBRE Managed Services Limited of 61 Southwark Street, London, United Kingdom, SE1 0HL
 - Any connection (apart from the proposed agreement) between the party and the landlord: There is no connection between CBRE Managed Services Limited and the City of London Corporation as landlord.
4. Estimate of expenditure for 27-29 South Molton Street over 5 years: As regards the Building to which the proposed agreement relates, the total amount of the City of London Corporation's expenditure under the proposed agreement is estimated to be: £53,531.10
5. Statement as to the intended duration of the proposed agreement: The intended duration of the proposed agreement is 5 years, with a 5-year option to extend.
6. Statement summarising observations received in relation to the proposed agreement and the landlord's response to those observations: None received.

**PROPOSAL TO ENTER INTO A
A QUALIFYING LONG TERM AGREEMENT**

**Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act')
and Schedule 2 of the Service Charges (Consultation Requirements) (England)
Regulations 2003 ('the Regulations')**

1. This proposal proposes that services are provided by a person wholly unconnected with the City of London Corporation as landlord.
2. Statement of the relevant matters: Facilities management services to the City's Investment Property Portfolio, which includes residential flats.
3. Statement as regards each party to the proposed agreement other than the landlord:
 - Party's name and address: CBRE Managed Services Limited of 61 Southwark Street, London, United Kingdom, SE1 0HL
 - Any connection (apart from the proposed agreement) between the party and the landlord: There is no connection between CBRE Managed Services Limited and the City of London Corporation as landlord.
4. Estimate of expenditure for 38 Alfred Place over 5 years: As regards the Building to which the proposed agreement relates, the total amount of the City of London Corporation's expenditure under the proposed agreement is estimated to be: £ 81,076.50
5. Statement as to the intended duration of the proposed agreement: The intended duration of the proposed agreement is 5 years, with a 5-year option to extend.
6. Statement summarising observations received in relation to the proposed agreement and the landlord's response to those observations: None received.

**PROPOSAL TO ENTER INTO A
A QUALIFYING LONG TERM AGREEMENT**

**Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act')
and Schedule 2 of the Service Charges (Consultation Requirements) (England)
Regulations 2003 ('the Regulations')**

1. This proposal proposes that services are provided by a person wholly unconnected with the City of London Corporation as landlord.
2. Statement of the relevant matters: Facilities management services to the City's Investment Property Portfolio, which includes residential flats.
3. Statement as regards each party to the proposed agreement other than the landlord:
 - Party's name and address: CBRE Managed Services Limited of 61 Southwark Street, London, United Kingdom, SE1 0HL
 - Any connection (apart from the proposed agreement) between the party and the landlord: There is no connection between CBRE Managed Services Limited and the City of London Corporation as landlord.
4. Estimate of expenditure for 45-46 South Molton Street over 5 years: As regards the Building to which the proposed agreement relates, the total amount of the City of London Corporation's expenditure under the proposed agreement is estimated to be: £49,449.60
5. Statement as to the intended duration of the proposed agreement: The intended duration of the proposed agreement is 5 years, with a 5-year option to extend.
6. Statement summarising observations received in relation to the proposed agreement and the landlord's response to those observations: None received.

**PROPOSAL TO ENTER INTO A
A QUALIFYING LONG TERM AGREEMENT**

**Pursuant to Section 20 of the Landlord and Tenant Act 1985 (as amended) ('the Act')
and Schedule 2 of the Service Charges (Consultation Requirements) (England)
Regulations 2003 ('the Regulations')**

1. This proposal proposes that services are provided by a person wholly unconnected with the City of London Corporation as landlord.
2. Statement of the relevant matters: Facilities management services to the City's Investment Property Portfolio, which includes residential flats.
3. Statement as regards each party to the proposed agreement other than the landlord:
 - Party's name and address: CBRE Managed Services Limited of 61 Southwark Street, London, United Kingdom, SE1 0HL
 - Any connection (apart from the proposed agreement) between the party and the landlord: There is no connection between CBRE Managed Services Limited and the City of London Corporation as landlord.
4. Estimate of expenditure for 52 South Molton Street over 5 years: As regards the Building to which the proposed agreement relates, the total amount of the City of London Corporation's expenditure under the proposed agreement is estimated to be: £36,001.80
5. Statement as to the intended duration of the proposed agreement: The intended duration of the proposed agreement is 5 years, with a 5-year option to extend.
6. Statement summarising observations received in relation to the proposed agreement and the landlord's response to those observations: None received.

[REDACTED]
[REDACTED]

Your Ref. LON/00AA/LDC/2022/0173

11th November 2022

Ms R Scott
City of London
P O Box 270
Guildhall
LONDON
EC2P 2EJ

Dear Sir

**RE: FLAT 9, 38 ALFRED PLACE
NOTICE OF APPLICATION TO THE FIRST -TIER TRIBUNAL BY THE CORPORATION
SEEKING DISPENSION FROM CONSULTATION REQUIREMENTS IN RELATION TO A
FACILITIES MANAGEMENT CONTRACT
Case Reference LON/00AA/LDC/2022/0173**

I note the application made by the Mayor and Commonality and Citizens of the City of London all as detailed above.

I have formally requested a printed copy of the application and at the date of this communication the documents are not available and your website does not provide the necessary directions for objection. I am out of the Country for a number of weeks and not returning until after the 2nd December 2022 which is your final date for responses.

As such, I have no alternative but to write formally stating that I object to the proposal on the grounds that it is important that the long leaseholders who bear the costs of facilities management contracts via the service charge should have some element of control as to appointments made effectively on their behalf.

Yours faithfully



A N CARTER FRICS

cc Ms R Scott, City of London

The City Surveyor
Paul Wilkinson

To the Long Leaseholder

A.N. Carter

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone 07549 016395
Email rachel.scott@cityoflondon.gov.uk
Date 17th November 2022

Dear Leaseholder

RE: FLAT 9, 38 ALFRED PLACE

**NOTICE OF APPLICATION TO THE FIRST-TIER TRIBUNAL BY THE
CORPORATION SEEKING DISPENSATION FROM CONSULTATION
REQUIREMENTS IN RELATION TO A FACILITIES MANAGEMENT CONTRACT**

CASE REFERENCE: LON/00AA/LDC/2022/0173

Thank you for your letter dated 4th November and further to your request please find enclosed a printed copy of the Application and the Tribunal Directions.

If you have any enquiries arising out of the documents then please can you contact Andrew Cusack at andrew.cusack@cityoflondon.gov.uk

Yours faithfully



Rachel Scott
Senior Surveyor
City Surveyor's

From: Cusack, Andrew
Sent: 18 November 2022 11:56
To: David Boynton <[REDACTED]>
Cc: David Boynton <[REDACTED]>; Scott, Rachel <Rachel.Scott@cityoflondon.gov.uk>; Paraskevaidou, Christina <Christina.Paraskevaidou@cityoflondon.gov.uk>
Subject: RE: 38 Alfred Place - application to dispense with consultation requirements

Dear Sir

There was no attachment to the email below dated 18 November and timed at 10.09.

I note the email below dated 18 November and timed at 9.59.

Please see **attached** for your information:

1. The Directions of the Tribunal which should be self-explanatory. **Please note paragraph 2 of the Directions in particular.**
2. The Application for dispensation
3. The Grounds for the dispensation
4. The Framework contract notice
5. The Notice of Intention (first consultation notice)
6. The Notice of Proposal (second consultation notice)
7. The Proposal (enclosed with the Notice of Proposal)

If you intend to serve the Corporation with documents pursuant to paragraph 2 of the Directions, then please email them to me at: andrew.cusack@cityoflondon.gov.uk

I would be happy to answer any questions you have arising from the attached documents and would be happy to meet with you over Teams to discuss the application.

Andrew Cusack
Principal Lawyer
Comptroller and City Solicitor's Department
City of London Corporation
Tel: 020 7332 1690
Teams Tel: 020 4558 3979
Email: andrew.cusack@cityoflondon.gov.uk

From: David Boynton <[REDACTED]>
Sent: 18 November 2022 10:09
To: Cusack, Andrew <Andrew.Cusack@cityoflondon.gov.uk>
Cc: David Boynton <[REDACTED]>
Subject: Fwd: 38 Alfred Place

Dear Mr Cusack

Please find attached a copy of our objection of the City of London Corporation's application to the first tier tribunal.

All correspondence sent to us by the Corporation has not made clear the details of the objection procedure. So we trust that this letter will be submitted to the tribunal as an expression of our view on this application. If there is another requirement, we would be grateful for notification of the correct procedure to follow.

Your sincerely,

Jacqueline M. Boynton

Sent from my iPhone
Apologies if typos...

Begin forwarded message:

From: David Boynton <[REDACTED]>
Date: November 18, 2022 at 9:59:19 AM GMT
To: rachel.scott@cityoflondon.gov.uk
Cc: David Boynton <[REDACTED]>
Subject: 38 Alfred Place

Case reference LON/00AA/LDC/2022/0173

Dear Ms Scott

I refer to your letter of 3rd November.

The level of service provided to the above building has deteriorated in recent years and it is our concern that the current application to remove consultation with long leaseholders will only serve to make a bad situation even worse.

On that basis, as long residential leaseholders, we strongly object to the application to the first tier tribunal.

Yours sincerely

Jacqueline M. Boynton

Sent from my iPhone
Apologies if typos...

From: Cusack, Andrew
Sent: 18 November 2022 16:12
To: andycarter [REDACTED]
Cc: Scott, Rachel <Rachel.Scott@cityoflondon.gov.uk>; Paraskevaidou, Christina <Christina.Paraskevaidou@cityoflondon.gov.uk>
Subject: FW: 38 Alfred Place - application to dispense with consultation requirements

Dear Mr Carter

I refer to your letter to my colleague Ms Scott dated 11 November 2022, copy **attached**.

In that letter, you suggest that:

“....the documents are not available and [the Corporation’s] website does not provide the necessary directions for objection”.

That is not correct.

I have checked the following link:

cityoflondon.gov.uk/facilitiesmanagement

and can confirm that the relevant documents required by the Directions are in fact on the website and available to you. For example, a copy of the Directions and Reply Form are on the website. The relevant documents have been available to you on the website since 03 November.

In any event, please see **attached** for your information:

1. The Directions of the Tribunal which should be self-explanatory. **Please note paragraph 2 of the Directions in particular.**
2. The Application for dispensation
3. The Grounds for the dispensation
4. The Framework contract notice
5. The Notice of Intention (first consultation notice)
6. The Notice of Proposal (second consultation notice)
7. The Proposal (enclosed with the Notice of Proposal)

If you intend to serve the Corporation with documents pursuant to paragraph 2 of the Directions, then please email them to me at: andrew.cusack@cityoflondon.gov.uk

I would be happy to answer any questions you have arising from the attached documents and would be happy to meet with you over Teams to discuss the application.

Andrew Cusack
Principal Lawyer
Comptroller and City Solicitor's Department
City of London Corporation
Tel: 020 7332 1690
Teams Tel: 020 4558 3979
Email: andrew.cusack@cityoflondon.gov.uk

Reply Form for Leaseholders

| | |
|------------------------|--|
| Case Reference: | LON/00AA/LDC/2022/0173 |
| Property: | 22 long leasehold properties where the City of London Corporation is the landlord |

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

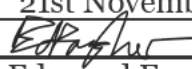


If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email** to:
London.RAP@justice.gov.uk

And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitor's Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref: chb005/079/LIT/AC) or by email to: andrew.cusack@cityoflondon.gov.uk

| | Yes | No |
|---|-------------------------------------|--------------------------|
| Have you sent a statement in response to the landlord? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Do you wish to request an oral hearing? | <input type="checkbox"/> | <input type="checkbox"/> |
| Name address of any spokesperson or representative appointed for the leaseholder: | | |

Please also complete the details below:

| | |
|--|---|
| Date: | 21st November 2022 |
| Signature: |  |
| Print Name: | Edmund Fargher |
| Address of affected property: | Flats 10 & 11 38 Alfred Place London WC1E 7DU |
| Your correspondence address (if different): | Flat 10 38 Alfred Place London WC1E 7DU |
| Telephone: |  |
| Email: |  |

From: Edmund Fargher [REDACTED]
Sent: 21 November 2022 15:11
To: London.RAP@justice.gov.uk; Cusack, Andrew <Andrew.Cusack@cityoflondon.gov.uk>
Cc: Scott, Rachel <Rachel.Scott@cityoflondon.gov.uk>
Subject: Objection to Tribunal Application (Case Reference: LON/00AA/LDC/2022/0173)

Dear Mr Cusack and the First Tier Tribunal Property Chamber,

As Long Leaseholder of both Flat 10 and Flat 11 at 38 Alfred Place, I would like to submit a formal objection to the application to the First-Tier tribunal by the Corporation of London for dispensation from consultation requirements in relation to a Facilities Management Contract (Case Reference: LON/00AA/LDC/2022/0173) for 38 Alfred Place, as detailed in the correspondence sent to all Leaseholders on 3rd November 2022.

It is my belief that we are entitled to consultation if we desire it. As a permanent resident in the building, I am directly affected by the decision as to which company and/or people manage the 38 Alfred Place. I am not against a third party being introduced to the management of the property in principal, but I think it is important that Leaseholders be granted consultation, myself especially as it also has the potential to affect the quality of my day-to-day life.

I am, however, also wary of the expense that may occur if a third party is introduced as a facilities manager. The service charge for the building has already inflated to an incredible annual sum of approximately £12,000.00, considering the management of the facility offers very little in terms of dedicated or exclusive services.

I would describe the management at 38 Alfred Place has been unsatisfactory from virtually the outset of my time as a leaseholder. There have been a number of incidences historically where in times of urgency, City of London have not supplied effective or prompt service, let alone aid in a crisis. I am in a situation right now where the ceiling of Flat 10 has begun leaking when it rains, and I cannot even get a representative of City of London to attend the Flat and start the ball rolling on preventative maintenance and repair. What is even more ridiculous is that the exact same situation has already happened in Flat 11, so the processes should be familiar to everyone, yet progress is continually stalled.

Whoever may become the facilities manager of 38 Alfred Place may be an improvement on this status quo or not. They may be a greater or lesser expense to the Long Leaseholders and their service charges. Regardless, I believe we are entitled to consultation based upon the immediate effect it has on my fellow Long Leaseholders, my tenants and myself.

I have attached the requested reply form for Leaseholders and would be grateful to remain informed and consulted henceforth.

Yours sincerely,

Ed Fargher
Long Leaseholder of Flats 10 & 11, 38 Alfred Place

From: Cusack, Andrew
Sent: 23 November 2022 17:34
To: Edmund Fargher <[REDACTED]>
Cc: Scott, Rachel <Rachel.Scott@cityoflondon.gov.uk>; Paraskevaidou, Christina <Christina.Paraskevaidou@cityoflondon.gov.uk>
Subject: RE: Objection to Tribunal Application (Case Reference: LON/00AA/LDC/2022/0173)

Dear Mr Fargher

Thank you for your email below.

I note that you have attached the Reply Form, and that you object to the Corporation's application.

You have ticked the box in the form indicating that you have sent a statement in response to the application to the Corporation.

I assume that your email below is your statement in response.

You have raised two broad issues with the Corporation's application:

1. You believe that leaseholders are entitled to consultation

On this point, please note that the Corporation has consulted leaseholders on the proposed facilities management agreement.

Two consultation notices have been sent to affected leaseholders. A Notice of Intention dated 28 May 2022 and a Notice of Proposal dated 10 November 2022. This would be the usual process for the procurement of

the facilities management services. However, in these circumstances, the Corporation is unable to technically comply with all of the consultation requirements due to the use of an overarching Framework Agreement.

The Corporation agrees that leaseholders are entitled to consultation and, again, have consulted leaseholders by way of two consultation notices. The purpose of the application to the Tribunal is to resolve the tension

between the Corporation's chosen procurement method (a framework agreement with an underlying call-off agreement for the works that will affect your flats) and the strict requirements of the consultation regulations.

2. You are wary of the expense that may occur if a third party is introduced as a facilities manager

This is a reasonable point to make in the circumstances. I have asked my colleague Ms Christina Ms Paraskevaidou to make a response to this point. Ms Paraskevaidou is responsible for procuring the new facilities

management agreement. You will receive an email from Ms Paraskevaidou addressing this concern.

I note also the issues you are having with the leak to the ceiling of flat 10. I've asked Ms Paraskevaidou to contact the existing facilities management team to progress the repair.

More generally, Ms Paraskevaidou and I would be happy to meet with you over Teams to discuss the concerns that you have raised or any other issues. If you would like to do so, then please let me know a convenient time.

Finally, please note that when the application was made, the Corporation had intended to ask the Tribunal for a dispensation from the leaseholder consultation requirements before entering into the contract. Unfortunately, given the timescales for commencing the contract in March 2023, the Corporation will now likely have to appoint the contractor before the Tribunal makes its determination on the application for dispensation.

Please let me know if you have any questions arising out of this email.

Andrew Cusack
Principal Lawyer
Comptroller and City Solicitor's Department City of London Corporation
Tel: 020 7332 1690
Teams Tel: 020 4558 3979
Email: andrew.cusack@cityoflondon.gov.uk

From: Paraskevoudou, Christina <Christina.Paraskevoudou@cityoflondon.gov.uk>
Sent: 24 November 2022 17:41
To: Edmund Fargher [REDACTED]
Cc: Scott, Rachel <Rachel.Scott@cityoflondon.gov.uk>; Cusack, Andrew <Andrew.Cusack@cityoflondon.gov.uk>
Subject: RE: Objection to Tribunal Application (Case Reference: LON/00AA/LDC/2022/0173)

Dear Mr Fargher,

Further to my colleague's email, I am open to arrange a meeting with you to discuss your concerns.

I will be back to work on Monday 28/11/2022.

I can briefly mention that there are projected savings of approximately 7% on the new Integrated Facilities Management contracts. I can provide more details on our meeting.

I will also contact the facilities team to contact you regarding the required repairs on your property.

Regards,

Christina Paraskevoudou
Commercial Operations Manager
Commercial Services
COO
2nd Floor, Guildhall North Wing
London EC2P 2EJ
0207 332 3103
Christina.Paraskevoudou@cityoflondon.gov.uk

Reply Form for Leaseholders

| | |
|------------------------|--|
| Case Reference: | LON/00AA/LDC/2022/0173 |
| Property: | 22 long leasehold properties where the City of London Corporation is the landlord |

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) **by email to:**
London.RAP@justice.gov.uk

And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitor's Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref: chb005/079/LIT/AC) or by email to: andrew.cusack@cityoflondon.gov.uk

| | Yes | No |
|---|-------------------------------------|-------------------------------------|
| Have you sent a statement in response to the landlord? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Do you wish to request an oral hearing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Name address of any spokesperson or representative appointed for the leaseholder: | — | |

Please also complete the details below:

| | |
|--|---|
| Date: | 29 NOVEMBER 2022 |
| Signature: | <i>John Daly</i> |
| Print Name: | JOHN DALY |
| Address of affected property: | FLAT 7, 38 ALFRED PLACE, LONDON WC1E 7DU |
| Your correspondence address (if different): | [REDACTED] |
| Telephone: | [REDACTED] |
| Email: | [REDACTED] |



City of London Corporation

29 November 2022

Dear Sir/Madam

Re: Flat 7, 38 Alfred Place, London WC1E 7DU

As owner of the above-referenced flat, I have received your correspondence dated 3 November 2022 seeking dispensation from consultation requirements in relation to an FM contract.

I object to this request as I, and other long leaseholder owners, am already concerned about the level of service provided by the Landlord in relation to my property. For example, I don't think that the lift works have yet been carried out even though they were budgeted for the 2021/22 financial year.

By removing any consultation with the long leaseholders, I am afraid that the service will deteriorate further.

Kind regards.



John Daly



From: [Cusack, Andrew](#)
To: [REDACTED]
Cc: [Paraskevaidou, Christina](#); [Scott, Rachel](#)
Subject: FW: Flat 7, 38 Alfred Place, London WC1E 7DU - case ref LON/00AA/LDC/2022/0173
Date: 29 November 2022 09:42:00
Attachments: [Alfred Place tribunal objection statement 29Nov22.pdf](#)
[Alfred Place tribunal objection 29Nov22.pdf](#)

Dear Mr Daly

Thank you for your email below.

I note that you have attached the Reply Form, and that you object to the Corporation's application.

You have also attached an objection statement, setting out your objection to the Corporation's application.

The essence of your objection is: "By removing any consultation with leaseholders, I am afraid that the service will deteriorate further".

Please note that the Corporation has in fact consulted leaseholders on the proposed facilities management agreement.

Two consultation notices have been sent to affected leaseholders. A Notice of Intention dated 28 May 2022 and a Notice of Proposal dated 10 November 2022. This would be the usual process for the procurement of the facilities management services. However, in these circumstances, the Corporation is unable to technically comply with all of the consultation requirements due to the use of an overarching Framework Agreement.

The Corporation agrees that leaseholders are entitled to consultation and, again, have consulted leaseholders by way of two consultation notices. The purpose of the application to the Tribunal is to resolve the tension between the Corporation's chosen procurement method (a framework agreement with an underlying call-off agreement for the works that will affect your flats) and the strict requirements of the consultation regulations.

I note also that you have raised the issue of proposed lift works in the 2021/2022 financial year. I have copied in the Asset Manager for Alfred Place, Ms Scott.

More generally, the Corporation officer responsible for the procurement of the proposed FM agreement (Ms Paraskevaidou, copied in) and I would be happy to meet with you over Teams to discuss the concerns that you have raised or any other issues. If you would like to do so, then please let me know a convenient time.

Finally, please note that when the application was made, the Corporation had intended to ask the Tribunal for a dispensation from the leaseholder consultation requirements before entering into the contract. Unfortunately, given the timescales for commencing the contract in March 2023, the Corporation will now likely have to appoint the contractor before the Tribunal makes its determination on the application for dispensation.

Please let me know if you have any questions arising out of this email.

Andrew Cusack
Principal Lawyer
Comptroller and City Solicitor's Department City of London Corporation
Tel: 020 7332 1690
Teams Tel: 020 4558 3979
Email: andrew.cusack@cityoflondon.gov.uk

From: John Daly <[REDACTED]>
Sent: 29 November 2022 08:31
To: Cusack, Andrew <Andrew.Cusack@cityoflondon.gov.uk>; Scott, Rachel
<Rachel.Scott@cityoflondon.gov.uk>
Subject: Flat 7, 38 Alfred Place, London WC1E 7DU - case ref LON/00AA/LDC/2022/0173

Please see attached correspondence.

Kind regards.

John Daly

[REDACTED]

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opinions.

[REDACTED]

Reply 1 form for Leaseholders

Case Reference: LON 0044 LDC 2022/0173

Property: 22 long leasehold properties where the City of London Corporation is the landlord

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First tier Tribunal Property Chamber (Residential Property) **by email** to: London RAP (rap@justice.gov.uk)

And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitors' Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref. ch0005 079 LFE AC) or by email to: andrew.cusack@cityoflondon.gov.uk

| | Yes | No |
|---|-------------------------------------|--------------------------|
| Have you sent a statement in response to the landlord? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Do you wish to request an oral hearing? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Name address of any spokesperson or representative appointed for the leaseholder. | Andrew Cusack | |

Please also complete the details below:

| | |
|---|---|
| Date: | 26/11/2022 |
| Signature: | <i>[Signature]</i> |
| Print Name: | Pauline A. Avey, Esq. and Maria P. Avey, Esq. |
| Address of affected property: | 101 & 102 Abchurch Lane, London EC4A 3DF |
| Your correspondence address (if different): | [REDACTED] |
| Telephone: | [REDACTED] |
| Email: | [REDACTED] |

From: [REDACTED]
To: [Cusack, Andrew](mailto:Cusack.Andrew)
Cc: London.RAP@justice.gov.uk; Oliver.Watling@cityoflondon.gov.uk
Subject: FTT Dispensation: Facilities Management
Date: 02 December 2022 13:07:21

Dear Mr Cusack,

I am writing in relation to CoL's FTT application for dispensation from the requirements to consult leaseholders in relation to a proposed Facilities Management contract. My wife and I are Long Leaseholders in two residential properties within the portfolio which are Flats 1 and 2 at 38 Alfred Place.

38 Alfred Place is a small block of just nine or ten residential flats. This sort of building is, in my opinion, not best managed under the sort of facilities management contract envisaged by City of London. I suspect that the block is smaller than most buildings in the CoL residential portfolio, and probably differs in character.

In recent years the escalation of service charges has been notable, and no longer appears to offer value to leaseholders. In my experience the best way to manage a building like 38 Alfred Place is for leaseholders to form a management company and appoint the managing agent themselves, and I'd urge City of London to consider this option as an alternative.

If this is not possible then it should be tendered separately to managing agents who specialise in these types of building. For the avoidance of doubt my wife and I object to the dispensation requested of the First Tier Tribunal, both in terms of the building being pooled in with the rest of CoL's estate, also the exclusion of many smaller more suitable management companies from the tender process.

Kind regards,

P John McNeill

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, December 5, 2022 5:06:48 PM
To: Mayes, Oliver <Oliver.Mayes@cityoflondon.gov.uk>
Subject: Appointment of CBRE as facilities managers

THIS IS AN EXTERNAL EMAIL

Attn: Christina Paraskevaidou

This email is to voice my objection to the appointment of CBRE as facilities managers due to the excessive fees they require. There are only 11 flats in our block.

Yours sincerely

Richard Morris

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

5th December 2022

The City Surveyor
City of London
c/o Christina Paraskevaidou
Category Officer
City of London
P O Box 270
Guildhall
LONDON
EC2V 7HH

Dear Sir

**RE: FLAT 9, 38 ALFRED PLACE
NOTICE OF PROPOSAL TO ENTER INTO LONG TERM AGREEMENT FOR FACILITIES
MANAGEMENT SERVICES**

For many years City of London satisfactorily managed the building at 38 Alfred Place. The management surveyor in the guise of Jerry Perrott and the building management under the control of Dennis Wickles was entirely satisfactory.

This proves that a small building of 11 flats and a ground floor retail unit can be extremely adequately managed by experienced and qualified staff representing the management body.

To suggest that CBRE should be appointed as facilities managers for such a modest property is entirely disproportionate, having regard for their suggested fee costs over the first 5 years.

Having spent many years running a property management business I am very clear that the appointment of a large facilities management organisation is entirely unnecessary and is merely an opportunity for those who should be managing the building to delegate that responsibility to a third party.

Yours faithfully



A N CARTER FRICS

Reply Form for Leaseholders

| | |
|------------------------|---|
| Case Reference: | LON/00AA/LDC/2022/0173 |
| Property: | 22 long leasehold properties where the City of London Corporation is the landlord |

ONLY COMPLETE AND RETURN THIS FORM IF YOU OBJECT TO THE APPLICATION

If you do object please complete and return this form to:

The First-tier Tribunal Property Chamber (Residential Property) by email to:
London.RAP@justice.gov.uk

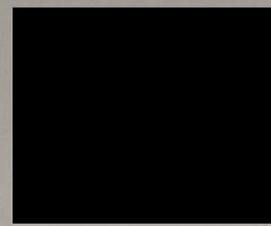
And send a copy to the landlord's representative, Mr Andrew Cusack, The City Solicitor's Department, The City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ (quoting ref: ch005/079/LIT/AC) or by email to: andrew.cusack@cityoflondon.gov.uk

| | Yes | No |
|---|-------------------------------------|-------------------------------------|
| Have you sent a statement in response to the landlord? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Do you wish to request an oral hearing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Name address of any spokesperson or representative appointed for the leaseholder: | — | |

Please also complete the details below:

| | |
|--|--|
| Date: | 5 December 2022 |
| Signature: | <i>Brian P Davidson</i> |
| Print Name: | BRIAN P DAVIDSON |
| Address of affected property: | FLAT 4, 38 ALFRED PLACE LONDON WC1E 7DU |
| Your correspondence address (if different): | |
| Telephone: | |
| Email: | |

Brian P. Davidson



City of London

5 December 2022

Dear Sir or Madam

Re: Flat 4, 38 Alfred Place, London, WC1E 7DU

I am the owner of the long lease on the above referenced property. I am in receipt of your letters of 3 and 10 November 2022 referencing your seeking dispensation as the landlord to consult in relation to a Facilities Management contract.

I object to this action as I see it as yet further deterioration in the level of service I and fellow leaseholders of properties at 38 Alfred Place have experienced in the last 5 years. By far the most serious incident being the total disregard for our position in relation to the refurbishment of the lift which was budgeted for in 2021/22 and which still awaits any work commencing despite our having paid for it and more over 6 consecutive quarters via management fees set by you.

We get very little relevant communication from you as landlord as it is so I fear that by diluting our statutory rights we will be even more disadvantaged.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brian P. Davidson', written over a horizontal line.

Brian P. Davidson

From: [Cusack, Andrew](#)
To: [REDACTED]
Cc: [Scott, Rachel](#); [Paraskevaidou, Christina](#)
Subject: FW: Appointment of CBRE as facilities managers
Date: 15 December 2022 12:55:00

Dear Sir

I refer to your email below dated 05 December 2022 and note that you are objecting to the proposed appointment of CBRE as the facilities manager for Alfred Place.

I assume that your email below was been sent in response to the Corporation's Notice of Proposal dated 10 November 2022 in which the Corporation proposed the appointment of CBRE as the facilities management service provider for your building.

I note in particular the concerns you have over the fees that will be paid to CBRE under the agreement.

I would be happy to arrange a meeting between yourself and Ms Christina Paraskevaidou, the procurement manager.

Ms Paraskevaidou is responsible for the procurement of the proposed new agreement with CBRE and can describe the procurement process in detail and answer questions you may have as to the way on which the City of London Corporation has ensured that the service will be provided at a competitive price.

Generally, the Corporation has carried out a procurement exercise whereby seven Framework contractors were asked to submit tenders for the facilities management services across dozens of buildings, of which 38 Alfred Place is one.

All seven Framework contractors submitted tenders. Those tenders were then evaluated by the Corporation based on price and quality. CBRE submitted the most advantageous tender based on the price/quality assessment.

The Corporation's view is that the procurement will lead to services that are provided at a competitive price and at a high quality and that leaseholders will not be prejudiced by the Corporation's inability to strictly comply with the requirements of the relevant consultation regulations.

Please let me know if you would be interested in meeting with Ms Paraskevaidou.

Andrew Cusack
Principal Lawyer
Comptroller and City Solicitor's Department
City of London Corporation
Tel: 020 7332 1690
Teams Tel: 020 4558 3979
Email: andrew.cusack@cityoflondon.gov.uk

**IN THE FIRST-TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)**

Ref: LON/00AA/LDC/2022/0173

B E T W E E N

THE MAYOR AND COMMONALTY AND
CITIZENS OF THE CITY OF LONDON

Applicants

and

22 LONG LEASEHOLD PROPERTIES WHERE THE
CITY OF LONDON CORPORATION IS LANDLORD

Respondents

WITNESS STATEMENT OF CHRISTINA PARASKEVAIDOU

I, Christina Paraskevaidou, will say as follows:

1. I am employed as a Commercial Operations Manager in the Operations Department of the City of London Corporation ('Corporation'). I have been employed in my current role for three months, prior to which I was employed as a Category Officer for the Corporation since July 2020. Prior to that, I worked as a Procurement Officer for the Corporation between 2017 and 2020.
2. My role is to enable/assist in the purchasing of facilities management services for the Corporation's portfolio. This includes ensuring that all statutory, legal and financial regulations for purchasing within the Public Sector are met, tenders are evaluated fairly, and resulting contracts produce best value for money for the Corporation, including its residents.

3. I make this statement from information within my own knowledge except where it appears otherwise. Insofar as the facts deposed of are within my own knowledge, they are true and insofar as they are not within my knowledge and belief, they are derived from the sources identified herein.
4. This Witness Statement is made in support of the Applicants' application to dispense with the requirement to consult leaseholders about a long-term agreement for the supply of facilities management services.
5. I note that the correct number of Respondent long leaseholders affected by the Corporation's application is in fact 21, not 22, and that the Tribunal has been provided with a list of the 21 affected leaseholders.
6. I note the Applicants' Grounds dated 30 August 2022 and adopt the description of the procurement of the Call Off Agreement in the Grounds.
7. The Grounds note that a Notice of Intention had been sent to the affected long leaseholders. A copy of that Notice of Intention was included in the Application.
8. Further leaseholder consultation has taken place since the date of the Application. The Applicants sent the Respondents a Notice of Proposal dated 10 November 2022.
9. As at the date of this witness statement, no observations have been received from the Respondents in relation to the Notice of Intention, and only one observation (dated 05 December 2022 – Flat 3, 38 Alfred Place) has been received in relation to the Notice of Proposal.

Intention to award the relevant contract *before* the Tribunal determination

10. At the time of the Application and the Grounds, the Applicants intended to seek a *prospective* dispensation from the Tribunal; that is, the Applicants had hoped to enter the Call Off Agreement *after* receiving dispensation from the Tribunal.

11. However, due to the timing of the procurement and the service commencement date of the Call Off Agreement (01 April 2023), the Applicants plan to shortly award the Call Off Agreement.
12. The Applicants plan to award the Call Off Agreement on 20 December 2022. The Applicants are unable to wait for a prospective decision of the Tribunal as the successful Call Off contractor, CBRE Managed Services Limited ('CBRE'), needs to mobilise for the contract no later than 01 January 2023. This will necessitate awarding the Call Off Agreement on 20 December 2022, so that the contractor can be ready to provide the services from 01 April 2023.
13. The intended Procurement award timetable for all Lots, including the relevant Call Off Agreement (Lot 2), is as follows:

| | |
|--|------------------|
| Contract Award Notification (Intention to Award) | 09 December 2022 |
| 10 Day Standstill period ends on | 19 December 2022 |
| Expected contract award | 20 December 2022 |
| Contract commencement | 01 January 2023 |
| Service Commencement | 01 April 2023 |

Background to the procurement of IFM services by the Applicants

14. In August 2022 the Applicants established the Integrated Facilities Management ('IFM') framework comprising of six lots. The scope of the framework consists of a range of FM services and will be available for use across the City of London Corporation.
15. The award established a list of pre-qualified facilities management suppliers delivering services across six distinct property types:
 - Corporate property (Lot 1)
 - Commercial Property (Lot 2)**
 - Barbican & GSMD (Lot 3)
 - Guildhall/Walbrook Wharf/LMA (Lot 4)
 - Schools (Lot 5)
 - Police & Courts (Lot 6).

16. The creation of six Lots recognises the unique nature of the departments within the Applicants' structure. The institutions residing as individual lots allows a more tailored approach to facilities management, reflective of end user requirements with the ability to align strategies with the individually awarded suppliers.
17. Additionally, the City Surveyor's Operations Department has been restructured to support a six lot approach to facilities management with resources efficiently aligned across contract management, operational delivery and support functions.
18. In September 2022, the City of London commenced a further competition process with the view to appointing a single supplier under six call off contracts, with services commencing from 1st April 2023.
19. The contracts will be awarded on a 10-year term with the opportunity to break at the 5-year contract anniversary, except for Lot 6 (Police and Courts) which is a 10-year contract with the opportunity to break at year 3.
20. The suppliers which achieved the highest scores for each of the 6 Lots have been selected by the Corporation.
21. The IFM procurement process has produced a total projected saving of £12.4m (7%) over the full potential 10-year contract term across the six Lots, against historic spend.
22. The six call off contracts have removed the comprehensive liability threshold ('CLT') (currently at £1000 per reactive task) to better apportion risk between supplier(s) and the Applicants. This is in line with the Governments' sourcing playbook recommendations and in response to the Applicants' experience of managing the second-generation building repairs & maintenance (BRM) contract.
23. To replace the CLT, the Applicants will adopt a "managed fund" approach whereby the supplier will only deliver reactive work within the confines of an agreed budget with spending principles for each lot. This cannot be exceeded without the explicit approval of the budget holder. This approach will give the Applicants better budgetary control and forecasting capability. This has also been endorsed by external facilities management consultants, IFM steering group and the Applicants' Chamberlains department.

Procurement Procedure including Lot 2

24. The Applicants have undertaken a detailed procurement process via a further competition and are in the process of appointing suppliers to deliver Integrated Facilities Management ('IFM') services under call off contracts across the six Lots.
25. The successful suppliers communicated in their bid response their approach to a range of targeted questions focussing on mobilisation, operational delivery, commercial delivery and responsible procurement.
26. Suppliers who are to be awarded more than one lot have offered multi-lot award discounts. These discounts are subject to further discussion and will be managed as an in-contract variation.
27. Suppliers have been assessed commercially based on a pricing schedule for predefined service criteria, supported by detailed tender information in the form of datasets.
28. The successful bidders form of tender has been analysed against current budgets. The Applicants have provided 2023/2024 budgets and assumed an annual budget increase of 2% year on year for the contract term, for the purpose of this analysis. The projected overall saving over the contract term is £12.4m (7%) when viewed against these budgets.
29. The procurement of the Framework Agreement and the subsequent call off agreements for each of the six Lots has been run by internal working groups which developed detailed specifications and requirements for facilities management services over the last fourteen months.
30. A separate evaluation panel was then set up for each of the Lots, including for Lot 2, to evaluate the tender returns for the proposed call off agreements, including the Call Off Agreement for Lot 2.
31. For Lot 2, the evaluation panel included surveyors from the City Surveyors Department, contract managers from City Surveyors (that is, the managers of the existing FM contracts), Corporation procurement officers and Corporation facilities managers.

32. The evaluation panel for Lot 2 then carried out an independent technical evaluation of the tender returns against pre-determined criteria.
33. On completion of the technical evaluation, a moderation process was co-ordinated by the Applicants' Commercial Services Department (a.k.a Procurement) to ensure a consistent and fair approach.
34. CBRE has been sent contract award notifications in relation to three Lots, including Lot 2. As at the date of this statement, the Corporation has awarded contracts to CBRE. If the Corporation does enter contracts with CBRE for all three Lots, then this will result in a 5% discount across the 3 Lots, in addition to the overall projected saving of 7% referred to above.
35. Lot 2 of the Framework has seven suppliers appointed under the Framework Agreement, as follows:
- CBRE
 - Atalian Servest
 - ISS Mediclean
 - Wates
 - Skanska
 - Mace
 - Bellrock Property
36. During the further competition for the Lot 2 Call Off Agreement, the Corporation received bids from all seven of these Framework suppliers.
37. CBRE submitted the third lowest price, 1.58% higher than the lowest bid and 18.47% cheaper than the average price.
38. More details can be found in the anonymised price analysis below, which is the price break down of the submitted prices for Year 1 of the Lot 2 Call Off Agreement. These Year 1 prices will then increase annually in line with RPI for each subsequent year of the Call Off Agreement:

| BIDDERS – price analysis | | | | | | | |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | No. 2 | No. 7 | No. 1 | No. 3 | No. 6 | No. 5 | No. 4 |
| Fixed Price | £1,469,586.42 | £1,843,471.67 | £1,474,414.66 | £1,919,705.85 | £1,962,029.27 | £2,108,169.10 | £1,444,358.82 |
| Labour Rates (Reactive services) | £6,033.18 | £7,284.76 | £5,041.69 | £5,696.52 | £3,338.42 | £12,726.87 | £7,108.10 |
| Total | £1,475,619.60 | £1,850,756.43 | £1,479,456.35 | £1,925,402.37 | £1,965,367.69 | £2,120,895.97 | £1,451,466.92 |
| Average | £1,752,709.33 | | | | | | |
| Lowest Price | £1,451,466.92 | | | | | | |
| Highest Price | £2,120,895.97 | | | | | | |
| Difference from Lowest Price | 1.25% | 27.01% | 1.58% | 32.26% | 35.18% | 45.24% | -0.49% |
| Weighted Score | 39.35 | 31.37 | 39.24 | 30.15 | 29.54 | 27.37 | 40 |

39. For the residential buildings affected by this application, CBRE’s pricing compared to the average price received by the other bidders is listed below:

- 38 Alfred Place CBRE was 2.15% **lower** than the average price
- 13 South Molton Street CBRE was 0.96% higher than the average price
- 45-46 South Molton Street CBRE was 0.56% lower than the average price
- 52 South Molton Street CBRE was 55.16% higher than the average price
- 27-29 Brook Street CBRE was 11.5% higher than the average price

40. In addition to the price analysis described above, the tender returns for Lot 2 were also evaluated based on quality, with a split between Technical (Quality) and Commercial (Price) of 60%/40%.

41. CBRE scored 47.63% on the Technical Criteria, which was the highest technical score among the bidders.

42. The successful supplier (CBRE) communicated in their bid response their approach to a range of targeted questions focusing on mobilisation, operational delivery, commercial delivery, and responsible procurement.

43. I have set out below the final response ranking of the seven tender returns based on price *and* quality:

| AWARD CRITERIA | | | | | | | |
|------------------------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|
| Price (40%) | 39.24 | 39.35 | 30.15 | 40 | 27.37 | 29.54 | 31.37 |
| Quality (60%) | 47.63 | 39.13 | 44.75 | 34.25 | 42.25 | 32.5 | 24.25 |
| Total Weighted Score: | 86.87 | 78.47 | 74.9 | 74.25 | 69.62 | 62.04 | 55.62 |
| Order of Tenders: | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Objections to the Application

44. Given the various objections to this application, some of which raise the issue of the cost of the existing services and concerns over the cost of future services, I would like to address the effect the Call Off agreement will have on leaseholders who will ultimately be asked to contribute to the cost of the services through their service charge.
45. I understand from the Grounds that (i) the Tribunal has power to dispense with the consultation requirements in a particular case "if satisfied that it is reasonable" to do so and (ii) the right of the Respondents to be consulted is not a free-standing right and (iii) the approach to be adopted on a dispensation application is to ask: if dispensation was granted, would the tenants suffer any relevant prejudice?
46. I also understand that the consultation requirements in the Regulations are a means of achieving the purpose of ensuring that tenants are not required to pay:
- (i) for unnecessary services or services provided to a defective standard; and
 - (ii) more than they should for necessary services provided to an acceptable standard.
47. Under the Call Off Agreement, I believe that the Respondents will not be paying for inappropriate services or paying more than would be appropriate.
48. In particular, I am confident leaseholders will not be paying more for Facilities Management services under the Call Off Agreement than they would pay if the services were procured through a standalone procurement, due to the detailed procurement exercise described above.

49. This is in part because of the competitive nature of the Call Off procurement and the rigorous price analysis of the tender returns.

50. Also, the Corporation previously had separate FM agreements for services such as cleaning, maintenance and pest control at the affected properties. The new procurement approach under Lot 2 combines all these FM services into one agreement with one supplier. This is the integrated approach referred to in “Integrated Facilities Management”. I believe that this integrated approach will result in savings to the Corporation, and ultimately to its long leaseholders, in the provision of FM services.

51. During the procurement, a baseline spend across all the Lots was established from the historic spend for the existing FM contracts. The Framework procurement across all the Lots will result in a seven percent saving against the previous baseline spend. For Lot 2, the saving against baseline is expected to be augmented by a further five percent saving as the intended contractor is likely to be awarded multiple lots.

52. Finally, I note that the Tribunal has not been requested to attach conditions to any dispensation granted to the Applicants. I respectfully submit that no conditions are required given the contents of this Witness Statement.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Christina Paraskevaidou
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Christina Paraskevaidou
Commercial Operations Manager
Chamberlains Department
City of London Corporation

16 December 2022